



October 6, 2015

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed on May 18, 2015, alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 481-484, occurred in connection with the election of officers conducted by the International Longshoremen's Association (ILA), Local 1422 (Local 1422 or union), AFL-CIO, on January 30, 2015.

The Department of Labor (Department) conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to each of your allegations, that there was no violation that may have affected the outcome of the election.

You alleged that Noel Crosby, [REDACTED] in the ILA Local 1422 election held on January 30, 2015, was not a member in continuous good standing for a period of one year prior to nomination/election. Article VIII, Section 1(a) of Local 1422's Constitution and By-Laws, dated 1972, requires that in order to be eligible for nomination or election to any office a member must have been a member in continuous good standing for a period of one year prior to his nomination. You further alleged that Crosby failed to pay the required 5% dues on his total gross salary earned as an officer of ILA Local 1422. Article XVI, Section 1(a), of the ILA Constitution provides that each local shall fix the dues and initiation fees of its members. The investigation revealed that the established rate of dues for working members of Local 1422, set forth in Article XII, Section 1(a) of Local 1422's bylaws, is 5% of each member's gross earnings. However, there was some confusion in the local as to whether the dues for working members also applied to part-time officers such as Crosby. The investigation established that Crosby, the winning candidate for the office of Recording Secretary, holds a part-time union position as the recording secretary and receives a monthly stipend of \$425.00 and reimbursement of lost wages when performing union dues. Five percent dues are deducted by his employer, but he does not pay dues on his stipend or lost time from the union.

The Department's investigation revealed that on July 17, 2014, members filed charges with the ILA against President Riley and the Local 1422 Executive Board alleging that the Local 1422 Executive Board failed to follow the ILA's policy that requires all local union members, including salaried officers, to pay the same amount of dues as rank-and-file members in order to be members in good standing.

The International appointed a committee and a hearing was held on September 23, 2014. The Department's investigation established that the ILA Executive Council's vote to adopt the International Committee Findings and Recommendations regarding the eligibility of Kenneth Riley, James Pinckney Jr. and Marion Green, Jr. to become members in good standing for purposes of being eligible to run in the Local 1422 January 30, 2015 election of officers applied only to the named full-time officers, not part-time officers like Crosby. Thus, Crosby, a part-time union officer whose 5% dues were deducted by his employer, met the continuous good standing requirement and was eligible to run for the office of Recording Secretary. There was no violation.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA that may have affected the outcome of the election, and I have closed the file regarding this matter.

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

cc: Mr. Harrold Daggett, President
International Longshoremens' Association AFL-CIO
5000 West Side Avenue
North Bergen, NJ 07047

Mr. Kenneth Riley, President
Longshoremens' Asn AFL-CIO Local 1422
1142 Morrison Drive
Charleston, SC 29403

Christopher B. Wilkinson, Associate Solicitor for Civil Rights and Labor-Management